

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Agricultural Marketing Department – Allegations of corruption against Sri B. Prakash Patil, Ex-Horticulture Officer, Siddipet, Medak District - Prosecution convicted – Hon'ble High Court of A.P. set aside the conviction – Supreme Court of India dismissed the Special Leave Petition – Set aside the dismissal orders – Reinstatement into service – Orders – Issued.

AGRICULTURE & COOPEPRATION (VIG.II) DEPARTMENT

G.O.Ms.No. 54

Dated:29-03-2012

Read the following:-

1. From the D.G.,ACB, Hyd.Lr.No.166/RCT-NZB/98-S4, dt.09-12-1998.
2. Procgs. No.Estt.II(1)789/98, dt.14-12-1998 of the DoH, Hyd.
3. From the D.G., ACB, Hyd. Lr.No.166/RCT-NZB/98, dt.16-08-1999.
4. GOMs.No.305, Agri. & Coop.(Horti.)Dept., dt.21-10-1999.
5. GORt.No.828, Agri. & Coop.(VC.II)Dept., dt.26-09-2003.
6. Procgs.No.Estt.IV/789/98, dt.10-10-2003 of the CoH, Hyd.
7. Order dt.04-12-2003 in C.C.No.22/1999 of the Principal Special Judge for SPE & ACB Cases, Hyderabad.
8. Procgs.No.Estt.IV-111/2003, dt.12-01-2004 of the CoH, Hyd.
9. Order dt.14-03-2011 in Criminal Appeal No.1352/2003 of the High Court of A.P., Hyderabad.
10. From the D.G.ACB, Hyderabad, Lr.No.166/RCT-NZB/1998-S4, dt.10.06.2011.
11. Govt.Memo No.4830/Vig.II(2)/2005-7, dt.23-06-2011.
12. Interim Order dt.29-12-2011 in O.A.No.10170/2011 of A.P.A.T., Hyd.
13. From Sri B. Prakash Patil,H.O.(Dismissed), Representation, dt.31-12-2011.
14. Order dt.29-08-2011 in SLP(Criminal) CRLMP.No.16043/2011 of the Supreme Court of India through the DG, ACB, Hyd. Lr. dt.14.2.2012.

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ORDER:

It was brought to the notice of the Government by the appropriate authority that Sri B. Prakash Patil, Horticulture Officer, while working at Siddipet, Medak District was involved in the allegations of corruption. As he was involved in a case of moral turpitude, the Director of Horticulture, Hyderabad placed the above Accused Officer under suspension vide reference 2nd read above. In the reference 4th read above, Government had accorded sanction to the Director General, Anti Corruption Bureau, Hyderabad to prosecute the Accused Officer in the Court of Law. Subsequently, the Accused Officer was instated in to service.

2. In the reference 7th read above, the Hon'ble Principal Special Judge for SPE & A.C.B. Cases, Hyderabad has pronounced judgment on 04-12-2003 in C.C.No.22/1999, convicting the Accused Officer Sri B. Prakash Patil, Horticulture Officer and sentenced that the Accused Officer to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/- and in default of payment of fine, to undergo simple imprisonment for a period of three months, for the offence u/s 7 of P.C. Act, 1988, and further sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2,000/- and in default of payment of fine, to undergo simple imprisonment for a period of three months, for the offence u/s 13 (1)(d) r/w sec. 13(2) of P.C. Act, 1988. Accordingly, the Commissioner of Horticulture, Hyderabad issued orders dismissing the Accused Officer Sri B. Prakash Patil, Horticulture Officer vide reference 8th read above.

3. Sri B. Prakash Patil, Horticulture Officer(D dismissed) has filed Criminal Appeal No.1352/2003 before Hon'ble High Court of Andhra Pradesh, against the judgment of Hon'ble Principal Special Judge for SPE & A.C.B. Cases, Hyderabad in C.C.No.22/1999 dt.04-12-2003. The Hon'ble High Court of Andhra Pradesh, in its judgment dt.14-03-2011 in Criminal Appeal No.1352/2003 set aside the conviction and sentences imposed against Sri B. Prakash Patil, Horticulture Officer(D dismissed) and acquitted.

4. As desired by the Director General, Anti Corruption Bureau, Hyderabad, in the reference 11th read above, Government accorded permission to the Director General, Anti Corruption Bureau, Hyderabad to file Special Leave Petition in the Supreme Court of India against the judgment dt.14-03-2011 of the Hon'ble High Court of Andhra Pradesh, in Criminal Appeal No.1352/2003. Accordingly, the Special Leave Petition was filed against the acquittal judgment of the High Court of Andhra Pradesh, in Criminal Appeal No.1352/2003 vide CRL MP.No.16043/2011.

(PTO)

5. In the meanwhile, Sri B. Prakash Patil, Horticulture Officer (Dismissed) has filed O.A.No.10170/2011 before Andhra Pradesh Administrative Tribunal, Hyderabad with a request to reinstate him into service as Horticulture Officer. The Hon'ble Tribunal, in its interim orders dt.29-12-2011, in O.A.No.10170/2011 have ordered that pending further orders, the applicant is at liberty to make a representation to the respondents 1 to 3 within a week and the 1st respondent is directed to pass appropriate orders keeping in view of the orders passed by the Hon'ble High Court in Criminal Appeal No.1352/2003, dt.14-03-2011, within a period of two weeks thereafter. Accordingly, the individual has submitted his representation before the Government for his reinstatement.

6. The Hon'ble Supreme Court of India, in its order dt.29-08-2011 in S.L.P.(Criminal) CRLMP.No.16043/2011 dismissed the Special Leave Petition.

7. Government, after careful examination of the entire matter with reference to the orders dt.14-03-2011 of the Hon'ble High Court of Andhra Pradesh in Criminal Appeal No.1352/2003 and the orders dt.29-08-2011 of the Supreme Court of India in S.L.P.(Criminal) CRL MP.No.16043/2011, have decided to reinstate Sri B. Prakash Patil, Horticulture Officer (Dismissed) into service duly setting aside the dismissal orders issued in the reference 8 read above.

8. Accordingly, Government hereby order to reinstate Sri B. Prakash Patil, Horticulture Officer (Dismissed) into service duly setting aside the dismissal orders issued in the reference 8th read above.

9. On reinstatement, the Commissioner of Horticulture, Hyderabad is requested to issue necessary posting orders to Sri B. Prakash Patil, Horticulture Officer, accordingly. She is also requested to furnish the compliance report before the Hon'ble Tribunal and see that the C.A.No.291/2012 in O.A.No.10170/2011 be closed.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.V.S.K.SARMA
A.P.C. & PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri B.Prakash Patil, Horticulture officer
(Through : The Commissioner of Horticulture, Hyderabad)

Copy to :-
The Commissioner of Horticulture, A.P., Hyderabad(2 copies)
The Government Pleader for Agriculture,A.P.Administrative Tribunal,Hyderabad.
The Director General, Anti Corruption Bureau, Hyderabad.
The Secretary, A.P.Vigilance Commission, Hyderabad.
SC/SF.

//FORWARDED : BY ORDER//

SECTION OFFICER